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# HOUSE BILL No. 1249

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-49-3-3.

**Synopsis:** Restrictions on viewing materials harmful to minors. Provides that a person who knowingly or intentionally displays matter that is harmful to minors in an area to which minors have access commits a Class D felony irrespective of whether a minor with access to the area is accompanied by the minor's parent or guardian.

**Effective:** July 1, 2003.

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## Smith V, Becker

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January 13, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1249

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-49-3-3, AS AMENDED BY P.L.3-2002,  
2       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2003]: Sec. 3. (a) Except as provided in subsection (b), a  
4       person who knowingly or intentionally:

- 5           (1) disseminates matter to minors that is harmful to minors;
- 6           (2) displays matter that is harmful to minors in an area to which  
7           minors have visual, auditory, or physical access; ~~unless each~~  
8           ~~minor is accompanied by the minor's parent or guardian;~~
- 9           (3) sells or displays for sale to any person matter that is harmful  
10          to minors within five hundred (500) feet of the nearest property  
11          line of a school or church;
- 12          (4) engages in or conducts a performance before minors that is  
13          harmful to minors;
- 14          (5) engages in or conducts a performance that is harmful to  
15          minors in an area to which minors have visual, auditory, or  
16          physical access, unless each minor is accompanied by the minor's  
17          parent or guardian;



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1 (6) misrepresents the minor's age for the purpose of obtaining  
 2 admission to an area from which minors are restricted because of  
 3 the display of matter or a performance that is harmful to minors;  
 4 or

5 (7) misrepresents that the person is a parent or guardian of a  
 6 minor for the purpose of obtaining admission of the minor to an  
 7 area where minors are being restricted because of ~~display of~~  
 8 ~~matter or a~~ performance that is harmful to minors;  
 9 commits a Class D felony.

10 (b) This section does not apply if a person disseminates, displays,  
 11 or makes available the matter described in subsection (a) through the  
 12 Internet, computer electronic transfer, or a computer network unless:

13 (1) the matter is obscene under IC 35-49-2-1;

14 (2) the matter is child pornography under IC 35-42-4-4; or

15 (3) the person distributes the matter to a child less than eighteen  
 16 (18) years of age believing or intending that the recipient is a  
 17 child less than eighteen (18) years of age.

18 SECTION 2. [EFFECTIVE JULY 1, 2003] **IC 35-49-3-3, as**  
 19 **amended by this act, applies only to crimes committed after June**  
 20 **30, 2003.**

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